



## **MONTANA FISH AND WILDLIFE COMMISSION**

### **Public Comment Summary**

THE **OUTSIDE** IS IN US ALL.

**Item:** Rulemaking Petition to Ban Motorized Use on the Shields River

**Public Comment Period :** 9/11/2020 to 10/9/2020

**Public Comment hearing date:** 10/6/2020

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#### **Background:**

On June 18, 2020, the Commission received a rulemaking petition to ban motorized use on the Shields River from the headwaters to its confluence with the Yellowstone River and all tributaries of the Shields River. The petition was submitted by Jeff Welch on behalf of co-petitioners Mike & Leigh McDaniel, Bob Means, Sally Epps, Nancy Etheridge, and Stuart & Victoria Schilling. The petition also included a letter in support signed by 49 persons. The petition references safety concerns with jet boats that can operate at high rates of speed within the current 10hp restriction. The petition states that motorized travel on the small stream creates the dangerous possibility of a collision between a jet boat and irrigation equipment, livestock, children swimming, floaters, and residents fishing.

#### **Public Involvement Process & Results:**

The department collected public comment from 9/11/2020 to 10/9/2020.

On 10/6/2020 The department conducted a public comment hearing via zoom. At the hearing 7 people commented in support of the proposed rule change and 1 commented in opposition.

The department received 3 letters from organizations representing large groups of people. Of these 2 letters were in support and 1 in opposition to the proposed rule change.

The department received 51 written comments supporting the proposed rule change including one comment submitted on behalf of the original petition signatories.

The department received 134 written comments in opposition to the proposed rule change.

The department received one written comment suggesting that the 10 HP limit remain in place, but That Jet boat use be prohibited.

# Shields River Public Comment Table of Contents

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**From:** [Kerry White](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River comment  
**Date:** Monday, October 5, 2020 11:16:28 AM  
**Attachments:** [Shields River Comment final.docx](#)

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Phil,

Attached is the comment from CBU in opposition to the closure of the Shields River to motorized use.

Thanks,

Kerry White



## Citizens for Balanced Use

Box 606, Gallatin Gateway, Mt 59730

[www.balanceduse.org](http://www.balanceduse.org)

1-406-600-4228

Dear FWP Commission,

I represent Citizens for Balanced Use (CBU) based in Gallatin Gateway. CBU has over 7000 active members and more than 100,000 supporters through our 68 affiliated organizations.

Recently a petition was submitted to the Commission requesting all motorized boats be prohibited on the Shields River. Currently the Shields River has a 10-horsepower limit on motorized boats. This limitation has been in effect for a significant amount of time with no conflict or reported violations.

The petition sites possible safety issues which have never occurred or any reported. The use of this river by 10 horsepower boats is self-limiting to a very short period when water flows are sufficient for motorized use. This has been historically less than 3 months during the year.

Motorized use of the Shields River is an important recreation activity and should not be removed. The complete removal of motorized use on the Shields River would have a significant impact on the public and their ability to access this water way. Stream access on this river is currently very limited and most access is achieved through bridge and highway crossings which are not sufficient to launch boats or rafts. Removing all motorized use on the Shields River would further reduce an already limited stream access of this state waterway.

Also of concern is the action the Commission may take on removing all motorized recreation access on the Shields River without first engaging a citizen advisory committee.

ARM 12.11.425 clearly states: "The department shall also establish a citizen advisory committee to consider changes to river recreation management plans or to consider amendments to river recreation rules if the proposed changes or amendments are anticipated to be of significant enough interest to the public to benefit from the participation of a citizen advisory committee."

CBU believes the removal of all motorized use on the Shields River is a significant change in recreation use, and has a significant public interest in this change of use, and has a significant impact on the public's ability to access the Shields River for recreation purposes. We request an advisory committee be appointed in compliance with ARM 12.11.425 to engage with petitioners and motorized recreation users to advise the FWP Commission before any proposed formal actions are to be taken.

Thank you for the opportunity to comment on the petition and proposed action on motorized recreation use on the Shields River.

Sincerely,  
Kerry White  
Executive Director  
CBU

**From:** [Tyler George](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River motorized restrictions  
**Date:** Tuesday, October 6, 2020 11:27:43 AM

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Mr. kilbreath,

I am writing in regards to the proposed motorized watercraft restrictions on the Shields River. I do not support any motorized craft restrictions on the Shields River, as I believe the existing restrictions are sufficient. The existing 10 HP restriction is the most appropriate in order to maintain a safe environment for anglers and recreational users to simultaneously access the Shields River. The existing restrictions pose no erosion risk as a result of motorized watercraft. I believe this is an attempt from a small group of wealthy private land owners attempting to negate the high water mark law and privatize our public waters.

Tyler George  
Sheridan, WY

**From:** [John Heine](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shield River  
**Date:** Monday, October 5, 2020 7:32:01 PM

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Phil,

I oppose new motorized restrictions on the Shields River. Can you please document my comment?

Thanks,

John Heine  
2965 Tartan Rd  
Billings, MT 59101  
(402) 640-0378

Sent from my iPhone

**From:** [charles ferguson](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Tuesday, October 6, 2020 2:12:28 AM

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I am strongly opposed new motorized restrictions on the Shields River. Please file.  
Charles Ferguson

Sent from [Mail \[go.microsoft.com\]](mailto:Mail [go.microsoft.com]) for Windows 10

**From:** [Dave Harris](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River Motorized Use  
**Date:** Tuesday, October 6, 2020 2:22:28 AM

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Mr Kilbreath,

As a fourth generation Montanan I am emailing you to let you know my feelings on the matter of restricting motorized river use. Access for Montanans to enjoy the state they have grew up in and loved is under attack. Restricting river access to non motorized craft would adversely affect the access of older sportsmen and sportswomen to access the river. I understand that a handful of land owner like to complain and would love to shut down all access, their first step is motorized craft. There are plenty of them who are from out of state and do not share Montana values. There are also environmental groups who would like everything to look like Yellowstone or Glacier, the majority of them do not live in Montana. It would be a tragedy for you to give in to their demands. You would take access from people who have spent generations helping make Montana the place it is. Raising families, building homes and businesses, and paying the taxes that foot the bill for all of this. And for what? To appease a few with special interests and deny access to all other Montanans? I would also like to note that their arguments are that 10 horsepower jet boats operate at a high rate of speed? Mr Kilbreath both you and I know that is untrue and simply their excuse to try to take away access. Please do the right thing and keep Montana the last best place by not restricting access further.

Thank you,

David Harris

**From:** [Batesmotel](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] ban motor boats on the shields river  
**Date:** Tuesday, October 6, 2020 10:58:40 AM

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These groups that try to limit our recreation opportunities aren't concerned with the shields river. Their main concern is for all the other rivers in Montana. They want to get their foot in the door and shut down all boating opportunities on rivers in Montana. I am totally opposed to limiting horsepower on boats on any river in Montana. They have tried to close down the Yellowstone river twice that I know about. Hopefully this will never happen. Boaters in Montana need more opportunities to recreate on rivers, not less. I hope you will vote down this unnecessary regulation and never visit it again.

Sincerely  
Bruce Bates  
3405 Carmel Drive  
Billings Montana  
59101

Sent from [Mail \[go.microsoft.com\]](mailto:Mail [go.microsoft.com]) for Windows 10



**From:** [Tyler George](#)  
**To:** [Kilbreath, Phillip](#)  
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Tyler George  
Sheridan, WY

**From:** [Shane Brown](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields river area  
**Date:** Thursday, October 8, 2020 9:03:02 AM

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I totally oppose restricting motorized travel on shields river. We can't keep letting them take away areas like this. There is plenty of wildness areas for no motorized travel.

Shane

**From:** [kaylapecck0811](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Friday, October 9, 2020 6:56:35 AM

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To whom it may concern:

I oppose stopping motorized travel on the Shields River.

Thanks  
Kayla Peck

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

**From:** [bmcdonald@ceionline.com](mailto:bmcdonald@ceionline.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Friday, October 9, 2020 8:24:54 AM

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Phil,

I oppose putting any more restrictions on the Shields River. The current 10 horsepower restriction doesn't allow for many motorized boats, let alone ones that can travel upstream. Being an avid outdoorsman I hate to see areas closed down, or restricted to one certain special use group.

Thanks

Brodie McDonald

**From:** [Jonathan Bates](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields river motor ban comment  
**Date:** Friday, October 9, 2020 4:16:13 PM

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Dear Fish and Wildlife Commission,

I would like to participate in the public comment process of the proposed motor ban on the Shields River. I oppose the banning of motors on the Shields River. I am a farmer and a ranch hand, ski patroller, outdoor emergency care technician, self propelled and motorized water craft enthusiast, swiftwater rescue technician, fisher, hunter, Eagle Scout, and native Montanan. You could say I love to safely work and recreate outside on land, water, and snow. I feel the outright ban on motors gives the appearance that one or more user group is trying to prohibit another user group from legally enjoying a public water way. Montana Stream Access law classifies streams into two groups. 1 being commerce and 2 being recreational, the Shields is the latter. Banning motors in the instance of safety is a nice way for landowners and outfitters to say we don't want that kind of recreation here and we want this public water way to ourselves, privately. There was a similar attempt to ban motors on the Yellowstone River a couple years ago. Bans like these could incrementally make it easier to ban other activities elsewhere. I would venture a guess that the authors of the petition are not aware of the capabilities of a "high speed jet boat" with a 10hp motor or the curriculum of an appropriate educational motor boat course. A google search brought me to an accident report for Montana waterways. In the article I found there wasn't a single incident collision or accident involving a boat with a 10hp motor having a propeller or jet drive on any river in Montana, including the Shields (<http://fwp.mt.gov/mtoutdoors/pdf/2009/WaterAccidents.pdf>). Instead of banning motors in any waterway in Montana, under the guise of safety, we ought to look to encourage continued safe practices and respect for our natural resources, public access to streams and waterways are a way of life to Montanans, such as myself. Education for boaters is a great start. There is a company in Missoula that educates motor boaters, with a emphasis on swiftwater rescue, that I plan on taking in the future. On the Missouri River, there is a schedule that the motor boats follow to limit exposure to self propelled boats during peak season. Something like half the week motors are allowed and the other half no motors. Montana boat navigation law states who has the right of way and when. It also states to avoid people at a distance when feasible. There is a noise level threshold already in place in Montana law. Motor boats are usually heard well before they are seen which is convenient for safety. River use is inherently risky. Is there a better way to mitigate safety for the benefit of all river users not just the few who wrote the petition, and own land along the river? Absolutely. I challenge the deciding committee to find a way other than a ban that provides safe river use for all who want to recreate in our beautiful state if their concerns are genuinely about safety. Thank you for your time.

Sincerely,  
Jonathan Bates

Sent from my iPhone



**From:** [Stacy Bragg](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields river comments  
**Date:** Friday, October 9, 2020 10:18:19 PM

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### Shields River Use Management Comment

To the Commission of the Montana Department of Fish, Wildlife, and Parks:

Dear FWP Commission

I am writing to voice my strong opposition to the recent petition that aims to ban all motorized use on the Shields River. I believe that the current restriction of motorboats over 10 horsepower is more than adequate in maintaining public safety. This petition fails to mention that there has never been a recorded collision or incident involving a motorized vessel on the Shields River.

The claim that recent technological advancements of inboard and outboard motor technology have resulted in regular use of the Shields River is vague and unsubstantiated. The petition cites no facts or supporting evidence about what technological advancements have occurred which create an issue that wasn't present when the Shields River was originally restricted to 10 horsepower back in 2001. The petition also cites no real evidence about how frequent motorized use of this river currently is.

The vessels are homemade using standard and easy-to-obtain aluminum sheeting and other aluminum products. They are assembled using simple at-home fabrication techniques. The vessels are driven by a Berkeley 6J series inboard jet drive that was pulled from a 1968 Sea-doo personal watercraft. The design allows a flat smooth bottom, a screened water intake with holes less than 1/2" in diameter, and the back jet is mounted above the bottom of the boat to avoid any damage on rocks, riverbed, and fish. They are powered by a Yamaha MZ300 industrial, multi-purpose engine. This engine is an air-cooled, single cylinder, 4 stroke application that has a manufacturer's rated max power output of 9.5 horsepower at sea level, at nearly 5000 foot elevation these engines lose nearly 15% of their rated hp dropping it down to approximately **8 horsepower**. For comparison the average self propelled walk behind lawnmower has 5-7 horsepower and a riding lawnmower has 12-24 horsepower. Both are used in tight areas without so called high speed collisions. The boats weigh less than 250 pounds and travel at an average speed of 6 to 8 miles per hour, with a top speed around 10 miles per hour when conditions are perfect. The point is, there is nothing new or advanced about the technology used in these vessels. There's also nothing fast and out of control about a boat powered by 10 horsepower or less either. Those claims are downright false, and the petition didn't include any supporting evidence to back up those statements. The petitioners lack the educated information to make any factual claims.

The petitioners' argument that motorized travel creates a possibility of collision is also unproven, unsubstantiated, and not factual. The petition ignores the fact that there is

a number of rules and regulations set forth by the department that regulate how a motorized vessel is to be operated when used within certain distances of fisherman, non-motorized vessels, and other non-motorized users. The fact that there has never been a citation issued to a motorized user on the Shields River for violating safety procedure is also absent from the petition.

The claim that vessels operating on the Shields River within the current 10 horsepower restriction are traveling at high speeds is deceptive and factually incorrect as well. The petitioners didn't even bother to support this claim with an estimated or approximate speed at which such vessels have been witnessed traveling at. If vessels are being witnessed traveling at high speeds, I believe that thorough law enforcement would be a much better management solution over restricting an entire user group altogether.

I testified on the Stream Access bill in Helena years ago and I was able to add two amendments, one of the amendments was to release private landowners from liability for the public to access rivers and streams. At that time it was quoted that there was approximately 1200 points of access in Montana and FWP was only able to secure 5-6 points of constructed access per year. The Shields has one of those approved access points now. The landowners behind this petition addressed no concern to public access. The Shields River is extremely limited to the public, especially to vessels like rafts, canoes, and other non-motorized equipment that get used in a small window of time due to river flows. The Shields has only one established walk in only fishing access site, and it does not have access to the riverbank for someone trying to launch a vessel such as a raft. Other than that, the public is left to a handful of public road crossings that only allow for walk-in access and are generally miles apart. For the petitioners who live miles from a public access point, the implementation of this purposed rule would mean virtually no public presence on the river adjacent to their property. Due to river flows, steep cut banks, and other barriers maintaining foot access up the river inside the high water mark is virtually impossible on some spots of the river.

The window of opportunity to operate these boats on the river is very limited due to spring time high river flows and or late season low river flows. I would also like to note that motorized boat users posing a threat to livestock and irrigation equipment is invalid and not supported by any real evidence. Pump heads and head gates are located on the riverbank, not in the middle of the river. It's also a fact that ranchers and livestock producers fence their animals away from the Shields to prevent them from escaping when river flows drop. The petitioners didn't include any evidence, pictures, or supporting records that suggest livestock and irrigation equipment commonly reside in the middle of the river where it would be at risk of being struck by a vessel. The fact is that the small window viable mid flow water conditions to operate 10 hp boats would not result in virtually zero conflict with farm and ranch operations, and fisherman along the banks.



Also of concern is the action the Commission may take on removing all motorized recreation access on the Shields River without first engaging a citizen advisory committee. ARM 12.11.425 clearly states: "The department shall also establish a citizen advisory committee to consider changes to river recreation management plans or to consider amendments to river recreation rules if the proposed changes or amendments are anticipated to be of significant enough interest to the public to benefit from the participation of a citizen advisory committee."

I believe the removal of all motorized use on the Shields River is a significant change in recreation use, and has a significant public interest in this change of use, and has a significant impact on the public's ability to access the Shields River for recreation purposes. I also request an advisory committee be appointed in compliance with ARM 12.11.425 to engage with petitioners and motorized recreation users to advise the FWP Commission before any proposed formal actions to restrict motorized are to be taken.

I sincerely hope that the Commission stands to support the already established public access rather than restriction based on selfish influence from private landowners some who have recently moved here from out of state and who do not hold our Montana values of hunting, fishing, wildlife and multiple use recreation, that so many of us Montanan's enjoyed for generations.

Regards  
Stacy Bragg 5th gen Park County Resident  
p/o box 417  
Livingston Montana 59047  
406-220-0803  
rapidtekk@yahoo.com



255 Village Center Lane  
(address)  
Unit B  
Bozeman, MT 59718

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

I am writing to voice my strong opposition to the recent petition that aims to ban all motorized use on the Shields River. I believe that the current restriction of motorboats over 10 horsepower is more than adequate in maintaining public safety. This petition fails to mention that there has never been a recorded collision or incident involving a motorized vessel on the Shields River.

The claim that recent technological advancements of inboard and outboard motor technology have resulted in regular use of the Shields River is vague and unsubstantiated. The petition cites no facts or supporting evidence about what technological advancements have occurred which create an issue that wasn't present when the Shields River was originally restricted to 10 horsepower back in 2001. The petition also cites no real evidence about how frequent motorized use of this river currently is.

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The landowners behind this petition addressed no concern to public access. It is no secret that the Shields River is extremely limited to the public, especially to vessels like rafts, canoes, and other non-motorized equipment. The Shields has only one established fishing access site, and it does not have immediate access to the riverbank for someone trying to launch a vessel such as a raft. Other than that, the public is left to a handful of public road crossings that only allow for walk-in access and are generally miles apart. For the petitioners who live miles from a public access point, the implementation of this purposed rule would mean virtually no public presence on the river adjacent to their property.

I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

09/29/20

419a Reed Point Road  
(address)  
Reed Point, MT 59069

---

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: Just Date: 9/27/20



19 Sundance Dr.  
(address) Tanner Hoeme  
Livingston MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed:  Date: 10/6/20

(address)

Trent Maynard  
115 N 1st St apt 1  
Livingston MT 590217

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: \_\_\_\_\_



Date: 10-5-20



Jay O'Neill  
(address)  
106 Spruce Lane  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on factless influence from private landowners.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9/22/2020

Meghan Gibson  
1107 River Drive  
(address) Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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Signed: Meghan Gibson

Date: 10/12/2020



(address)

Vicky Mandella  
211 Blue Heron Dr.  
Livingston MT 59047

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Vicky Mandella

Date: \_\_\_\_\_

10-5-2020

(address) 312 1st Ave N  
Clyde Park MT  
59018

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

10/5/20



Fergus Beebe  
(address)  
312 1st Ave N  
Clyde Park, MT 59018

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Fergus Beebe

Date: 10-6-2020

(address) McCoy Henderson  
312 1st Ave N  
Clyde Park MT 59018

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on factless influence from private landowners.

Signed: Molly Henderson

Date: 10-6-2020



(address) 312 1st Ave N  
Clyde Park, MT  
59618

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Joe J. Magalsky Date: 10-5-20

Mark Hoffman  
(address) 312 1st Ave N  
Clyde Park, MT 59018

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Mark Hoffman Date: 10/5/20



312 1st Ave N  
(address)  
Clyde Park, MT  
59018

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Russell C. Mays Date: 10-6-2020

JIM STALLARD  
(address)  
508 E. MONTANA  
LIVINGSTON, MT. 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: 10/05/2020



October 6<sup>th</sup>, 2020

Layne Ford  
6 Adair Creek Road  
Livingston, Montana 59047  
Cell: 406-224-3947

To the Commission of the Montana Department of Fish, Wildlife, and Parks:

I am writing to voice my strong opposition to any new restriction to motorized use on the Shields River in southwest Montana. I would like to start by noting that there has never been a collision involving a motorized user on the Shields River. The petition that was recently presented makes overwhelmingly false claims and has no factual basis behind any of its arguments.

I would like to inform you about the vessels in the photograph attached to the petition, since the petition contains no real information about them or any other 10 horsepower vessels. The vessels are homemade using standard and easy-to-obtain aluminum sheeting and other aluminum products. They are assembled using simple at-home fabrication techniques. The vessels are driven by a Berkeley 6J series inboard jet drive that was pulled from a 1968 Sea-doo personal watercraft. They are powered by a Yamaha MZ300 industrial, multi-purpose engine. This engine is an air-cooled, single cylinder, 4 stroke application that has a manufacturer's rated max power output of 9.5 horsepower. These boats weigh less than 250 pounds and travel at an average speed of 6 to 8 miles per hour, with a top speed around 10 miles per hour when conditions are perfect. The point is, there is nothing new or advanced about the technology used in these vessels. There's also nothing fast about a boat powered by 10 horsepower either. Those claims are downright false, and the petition didn't include any supporting evidence to back up those statements.

Since there has never been a collision on the Shields involving a vessel powered by 10 horsepower, it is obvious that the current restriction already maintains a high level of public safety. I believe that if there's a problem with motorized users traveling at high speeds, such as speeds in excess of 25 miles per hour, that issue needs dealt with by law enforcement. Any vessel traveling at such speeds would clearly be operating with equipment in excess of 10 horsepower. Banning an already limited user group altogether would simply be an unfair and inadequate way of stopping vessels that are potentially operating with more than 10 horsepower on the Shields River.

The petition failed to acknowledge that there is a host of rules in place to regulate motorized users when operating near other non-motorized users. There has never even been a citation issued to a motorized user for violating safety procedure while recreating on the Shields River. The petition's claim that motorized use is creating a hazard to public safety is unsubstantiated and unproven. It would be quite inappropriate and biased of the Commission to ban all motorized use of a state waterway on a "what-if" basis, especially when no facts or supporting evidence of a potential public safety threat has been conveyed.

I would also like to note that motorized users posing a threat to livestock and irrigation equipment is invalid and not supported by any real evidence. Pump heads and head gates are located on the riverbank, not in the middle of the river. It's also a fact that ranchers and livestock producers fence their animals away from the Shields to prevent them from escaping when river flows drop. The petitioners didn't include any evidence, pictures, or supporting records that suggest livestock and irrigation equipment commonly reside in the middle of the river where it would be at risk of being struck by a vessel.



Phil Kilbreath

FWP Enforcement Division P.O. Box 200701  
Helena, Montana 59620-0701

Shields River Use Management Comment,

I am writing to voice my strong opposition to the recent petition that aims to ban all motorized use on the Shields River. I believe that the current restriction of motorboats over 10 horsepower is more than adequate in maintaining public safety. This petition fails to mention that there has never been a recorded collision or incident involving a motorized vessel on the Shields River.

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: 

Date: 10/4/2020



The petition clearly did not address public access on the Shields River. The truth is, there is not a single place of public access on the Shields where launching a non-motorized vessel, such as a drift boat, raft, or canoe, is easy or preferable. The only public access to the river is a few public road crossings and one fishing access site, all of such are walk-in access only. It's easy for private landowners to claim that there is plenty of public access along the Shields. But in reality, the removal of motorized users from the Shields would create a near-private river for the landowners who are located miles from a public access point.

It's no secret that when it comes to recreation on the Shields River, the only new part of the equation is the landowners who have bought up pristine riverfront homes and vacation rentals. These folks, including most of the petitioners, moved to Montana from some other state or country, and they are now using their status as a landowner to influence management in attempt to reduce public presence near their high-end, high-value properties.

---

I strongly encourage the Fish, Wildlife, and Park's Commission to reject this rulemaking and send a message to every landowner in this state; that Montana's public lands and waterways are open to the public and do support multiple use.

Regards,

Layne Ford

A handwritten signature in dark ink, appearing to read "Layne Ford", is written over a horizontal line.

Tom Totland  
(address)  
610 Comet Blvd  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: \_\_\_\_\_



Date: 10-7-20



James Thornton

P.O. Box 883

(address)

Big Timber, MT 59011

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

10-7-20



Chris Gentile  
414 East Callender  
(address)  
Street, Livingston, MT. 59047

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Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

10/07/2020

Pat Crask

(address)

177 Caitlin Rd Bozeman MT

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Pat Crask

Date: \_\_\_\_\_

4-7-20



Clay Herbst

155 Mountain Brook Rd  
(address)  
Lisongton MT  
59047

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: 

Date: 10.7.2020



Jeffrey Jackson  
(address)  
902 Meriwether Dr East  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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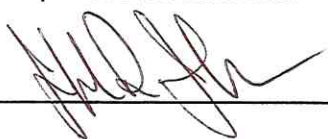
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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

10/7/2020

Daniel Lashinski  
(address)  
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Signed:  Date: 10/7/2020



Dan Mushrush

26 Sundance Dr.

(address)

Livingston, mt.

59747

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: 

Date: 10-7-20



303 TAFT AV  
(address)  
CLYDE PARK MT  
59018

Mail To:  
Phil Kilbreath  
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Helena, Montana 59620-0701

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Signed: 

Date: 10/2/2020

Charles N McLaughlin  
(address)  
401 E Jefferson Ave Apt D  
Belgrade MT 59714

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Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Charles N McLaughlin Date: 9-27-20



Colin Dunkel  
(address)  
829 N. 12th  
Livingston, MT 59047

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FWP Enforcement Division  
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Signed: Colin Dunkel Date: 9/30/20



811 E. Mt. St.  
(address)  
Livingston, Mt.  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Signed: Barbara Duden Date: 10-1-2020

Melody Darden  
(address)  
122 S P St  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: Melody Darden

Date: 9-30-2020



107 North M St.  
(address)  
Livingston, MT,  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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Signed: \_\_\_\_\_

*Austin Parker*

Date: \_\_\_\_\_

*10-1-2020*

14 Cokedale Road  
(address) Livingston, MT  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: 9/24/20



14 Coladale Rd  
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Livingston, MT  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: 

Date: 9-24-20

Ken Ford  
(address)  
612 N. Yellowstone  
Livingston MT. 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Kenneth Ford Date: 7/24/



Lorena Ford  
(address)  
612 N. Yellowstone -  
Livingston MT 59047

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Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Lorena M. Ford

Date: 9-24-20

111 spruce Ln.  
(address) Livingston MT.  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Date: \_\_\_\_\_

9/30/20



Rob Harris  
(address)  
111 Spruce Ln  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Rob Harris Date: 9-30-20

Janelle Buzala  
(address)  
2304 Sun Ave  
Livingston MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Janelle Buzala

Date: 9-25-20



Terry Darden  
(address)  
122 S P St  
Livingston, MT

Mail To:

Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Terry Darden

Date: 9-30-2020

2712 Olivine Street  
(address)  
Bozeman, MT 59718

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Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: Zach Nelson

Date: 9/24/2020



P.O. Box 157  
(address)  
Chloe Park, MT. 59018

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FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on factless influence from private landowners.

Signed: 

Date: 10-6-20

~~81~~ 81 Goldpan Ln  
(address)  
Billings MT  
59105

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Date: \_\_\_\_\_



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(address)  
Wilsall Mt.  
\_\_\_\_\_

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Helena, Montana 59620-0701

### Shields River Use Management Comment

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: John Dargin Date: Oct 6 2020

Box 90  
(address)  
Clyde Park MT  
55018

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Dale Jones Date: 10/6/20



204 Ordway Wilsall MT 59086  
(address)  
Colby Guse

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Colby Guse

Date: 10-6-20

Bella O'Neill  
(address) 53 Wilson Creek Rd  
Livingston MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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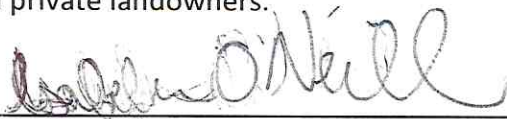
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Signed: \_\_\_\_\_



Date: 10/4/20



*Draw Mail*  
(address)  
*806 W Montana ST*  
*Livingston Montana 59047*

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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Signed: \_\_\_\_\_

Date: 10/15/20

414 E Lewis  
(address)  
Livingston, MT  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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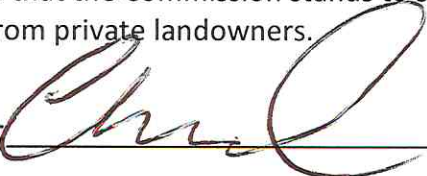
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Signed:



Date:

10/5/20



Tom Roth  
(address)  
1104 River Drive  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Tom Roth

Date: \_\_\_\_\_

10/6/20

255 Village Center lane  
(address)  
Unit B  
Bozeman, MT 59718

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: 

Date: 9/29/2020



216 Frontage Rd. East  
(address)  
Livingston, MT 59047

---

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Tennafpater Date: 9/27/20

Marilyn Roth  
(address)  
1107 River Drive  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Marilyn L. Roth Date: 10-6-2020



Kim O'Neill  
(address)  
P.O. Box 1841  
Livingston MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Kim O'Neill

Date: 9-23-2021

255 Village Center Lane  
(address) Unit B  
Bozeman, MT 59718

Mail To:  
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FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Jeff Black Date: 9/29/20



Justin Lebaugh  
(address)  
117 S. K St.  
Livingston MT 59047

Mail To:

Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed:  Date: 10/1/2020

Kelly Johnson  
(address)  
17 Aspen Lane  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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Signed: Kelly Johnson Date: 9/24/20



Cory Sager  
(address)  
105 W Jefferson Ave Suite A  
Belgrade, MT 59714

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Signed:  Date: 9/30/20

623 N Main St.  
(address) Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: Matt Francis Date: 9/28/20



PAT WALKER  
(address)  
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LIVINGSTON MT 59047

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Signed: 

Date: 10/1/20

CHRIS WERSON  
(address) 306 MILL CREEK ROAD  
LIVINGSTON, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
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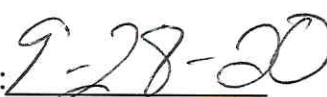
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Signed: \_\_\_\_\_

Date: \_\_\_\_\_



5074 us Hwy 89 south  
(address)  
Livingston MT 59047

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FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed:  Date: 9-24-20

Daniel Dagan  
(address)  
419 S. Yellowstone St.  
Livingston MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed:  Date: 9-24-2020



Michael Bazale  
(address)  
2309 Sun Ave  
Livingston, MT. 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Michael Bazale Date: 9.25.20



Merike Hosington  
2307 Sun Ave.  
(address)  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Merike J. Hosington Date: Sept. 24, 2020



407 S. 14<sup>th</sup> ST.  
(address)  
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Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Date: \_\_\_\_\_

9/24/2020

Charles Holy Cross  
PO Box 631  
(address)  
Park City MT  
59063

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Phil Kilbreath  
FWP Enforcement Division  
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Signed: Charles Holy Cross Date: 9-30-20



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(address)  
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59047

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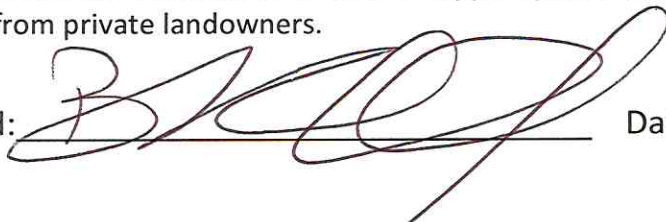
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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed:



Date:

9/24/2020

BRADLEY RIDGWAY  
(address)  
106 Mule Deer Rd  
Pray, MT 59065

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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Signed: Bradley Ridgway

Date: 9/28/20



52 LISA Ann Court  
(address)  
Bozeman mt. 59718

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Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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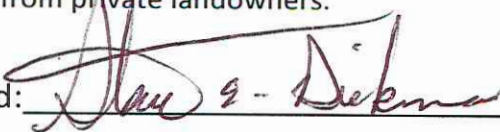
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Signed:



Date:

9/24/2020

Laurie Ford  
(address)  
6 Adair Creek Rd.  
Livingston, MT. 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Laurie Ford Date: 9-30-20



NORMAN Nelson  
(address)  
290 Quinn Creek Rd.  
Bozeman MT 59715

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Norm D Nelson Date: 9/25/20



(address)

Hillary Taylor  
14 Cokedale Road  
Livingston, MT  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Hillary Taylor

Date: \_\_\_\_\_

9/24/20



FLYNN DIVISION  
2307 Sun Ave  
(address)  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Geoff B. Hawley Date: Sept 24, 2020

22 Alder Lane  
(address) Livingston, MT  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Julie K. Marshall

Date: 9-24-2020



Wayne Ford  
(address)  
6 Adam Creek Rd  
Livingston MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Wayne Ford Date: 9-30-20

Jerry Nelson  
5105 West 40  
(address)  
Sioux Falls, So. Dakota

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Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Jerry Nelson

Date: September 24, 2020



Len Milne  
(address)  
PO Box 304 Emigrant  
Emigrant MT 59027

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: Len Milne Date: 9-25-20

Stephen Jensen  
(address)  
914 Wilda Lane  
Bozeman, MT 59718

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: 

Date: 9/29/30



4116 South 3<sup>rd</sup>  
(address) Highway 96 West  
59047

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: Mark Beards Date: 9/29/20

Katie Green  
(address)  
414 Wilda Lane  
Bozeman, MT 59718

Mail To:

Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: \_\_\_\_\_

Katie Green

Date: \_\_\_\_\_

9/28/20



*Krista Sager*  
(address)  
31 E Vela Rd  
Belgrade, Mt 59714

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: *Krista Sager* Date: 9-28-2020

Craig Gagne  
(address)  
65 Drifter Dr.  
Bozeman MT 59718

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

Date: 10/2/20



*Lee Ammerman*  
(address)  
*611 Swingley Rd*  
*Livingston, MT 59047*

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: *Lee Ammerman* Date: *10-2-20*

Aidan Todd  
(address)  
1322 Wineglass Ln  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Aidan Todd

Date: 9/25/2020



10 McDonald Creek  
(address)  
Leungston mt -  
59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Dennis S. Satterthwaite Date: 11-2-20

Chris Kemp  
(address) 3102 Scin' Johns #4  
Billings Mt 59102

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9-29-20



9 County living lane  
(address)  
Livingston MT 59047  
Clint w Justice

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: Clint w Justice Date: Oct 2-20

Melissa Todd  
(address)  
332 Strickland Creek Rd  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

*M. Todd*

Date: \_\_\_\_\_

*10/1/20*



Ashlee Estes  
(address)  
1322 Wineglass Lane  
Livingston, MT 59047

Mail To:  
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FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9-25-2020

4789 Old Yellowstone Trl N.  
(address)  
Livingston, MT 59047

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FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Meghan Payne

Date: 9/25/20



Randy Todd  
(address)  
332 Strickland Creek Road  
Livingston, MT 59047

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Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: 

Date: 10/1/2020

Lee Gester

(address)

202 Fiddle Creek Rd  
Livingston, MT 59047

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

10-1-20



McKade Payne  
(address)  
4789 old Yellowstone MN  
Livingston MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

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Signed: McKade Payne

Date: 9/25/2020

Jacob Stokke  
(address)  
414 Wilda Lane  
Bozeman, MT 59718

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Phil Kilbreath  
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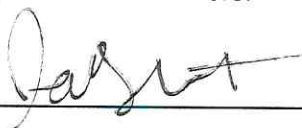
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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9/29/20



ORVIN L. LOTERBAUER  
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BOZEMAN, MT. 59715

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Signed: 

Date: 10-1-20

LARRY MORTON  
(address)

505 S IOWA

CONRAD, MT. 59425

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: Larry Morton Date: 9/24/20



Paul C. Andersag  
(address)  
302 CENTRAL AVE WEST.  
CONRAD, MT. 59425

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Phil Kilbreath  
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Signed:  Date: 9-24-2020

Kurt Peters  
(address)  
415 1<sup>st</sup> Ave. N.E.  
Conrad, MT. 59425

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: Kurt Peters Date: 9-24-2020



Nobbie J Hicks  
(address)  
302 Central Ave W  
Conrad MT 59425

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: Nobbie J Hicks Date: 9-24-2020

335 Westgate Ave  
(address)  
Bozeman, MT. 59718  
Joan Marcelin

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Joan Marcelin Date: 9-23-2020



John Mayer  
(address) P.O. Box 3633  
Bozeman Mt. 59772

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_

John Mayer  
John Mayer

Date: \_\_\_\_\_

9-23-2020

KAREN NELSON  
290 Quinn Creek  
(address)  
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59715

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Signed: Karen S. Nelson

Date: 9/23/20



Harry Brinc-  
(address)  
611 N Black  
Bozeman MT  
59715

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FWP Enforcement Division  
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Helena, Montana 59620-0701

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Signed: Harry Brinc- Date: 9-23-20

(address)

John Reichert  
1019 North 23rd Street  
Billings, MT. 59101

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Phil Kilbreath  
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I sincerely hope that the Commission stands to support public access rather than restriction based on fact-less influence from private landowners.

Signed: John Reichert Date: 10-5-20



~~1019~~ Lyda Reichert  
(address)  
1019 North 33rd Street  
Billings, MT 59101

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

### Shields River Use Management Comment

I am writing to voice my strong opposition to the recent petition that aims to ban all motorized use on the Shields River. I believe that the current restriction of motorboats over 10 horsepower is more than adequate in maintaining public safety. This petition fails to mention that there has never been a recorded collision or incident involving a motorized vessel on the Shields River.

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Signed: Lyda Reichert Date: 10-5-20

Lance Barnes  
(address)  
104 Pony Creek Road  
Pony Montana  
59741

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Lance Barnes Date: Oct 3, 2020



Ward Barnes  
(address)  
3090 Weaver Rd  
Belgrade MT 59714

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Ward Barnes Date: 10/3/2020

Virginia Barnes  
(address)  
104 Pony Creek Rd  
Pony Montana  
59714

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Virginia Barnes Date: Oct 3, 2020



(address) Hayden Smith  
320 24th Ave S.  
Great Falls MT 59405

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: 

Date: 10/1/2020

September 28, 2020

Dear FWP Commission,

I would like to express my opposition to the proposed ban of motorized boats on the Shields River. I do not believe that a small group of non-native landowners should be able to dictate how the public is allowed to use the Shields River. It is obvious that these landowners have created this petition to suit their personal agenda, without considering local public opinion.

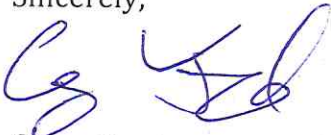
The petition is filled with false claims that were fabricated only to support their agenda. The petition mentions "high speeds" in regards to a 10 horsepower motorized boat, however 10 horsepower is not capable of "high speeds" as claimed. Considering the Shields is already limited to 10 horsepower, "technological advancements" would not result in an increase of motorized use of the river. 10 horsepower is 10 horsepower, jet pump and riverboat hull designs have not dramatically improved in the last 40 years.

I also do not believe that motorized recreation on the Shields is creating any risk of collision. Most motorized use takes place during the spring when the water level is higher, non-motorized users are few and far between at that time, the low speeds that 10 horsepower permits, make a collision with other users very unlikely. Collisions with irrigation equipment is unlikely because the equipment is often situated near the river bank, motorized users stay in the middle of the river where the water is deepest. Livestock are generally fenced away from the Shields because they could walk across the river at low water levels and escape. The claim that 10 horsepower boats put livestock at risk is far-fetched and unrealistic.

Public access on the Shields is already extremely limited. If these riverfront landowners get their way, they will essentially have the Shields all to themselves. I believe that the current 10 horsepower limit is completely acceptable for the Shields River.

If the FWP commission allows this petition to pass, it will set a precedent for other riverfront landowners to restrict public access. This would be a huge loss to the public who enjoy recreating on Montana waterways.

Sincerely,



Casey Ford  
406-223-8789  
905 Meriwether Drive  
Livingston, MT 59047



Amanda Ford  
(address)  
905 Meriwether Dr. E  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9.28.20

PO Box 344  
(address)  
Manhattan MT 59741

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Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Dickie L. Dykman Date: 9-23-2020



I B Lundwall  
(address)  
PO Box 124  
Manhattan MT

59741-0124

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: I B Lundwall Date: 9-23-20

5450 Frontage Rd  
(address)  
MANHATTAN MT 59741

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Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: 

Date: 9.23.20



Dylan Anzick  
(address)  
53 Willow Creek RD  
Livingston, MT 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Dylan Anzick Date: 9/23/20

Paul Conkovich  
(address)  
210 Busha St.  
Big Timber MT

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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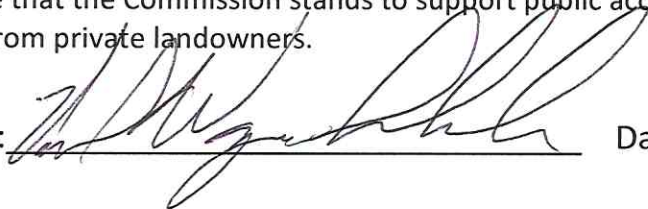
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Signed:



Date:

9-23-20



332 Strickland Creek  
(address)  
Road  
Laine Todd

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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I sincerely hope that the Commission stands to support public access rather than restriction based on factless influence from private landowners.

Signed: Laine Todd Date: 9/23/20

Groff Bartelt  
(address) 411 E. 6th  
Bio Timber 59011

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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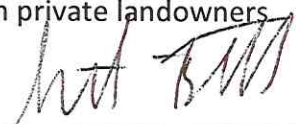
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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9-23-



CT FARMERMAN  
103 MIDWAY  
HELENA, MT  
59241

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed:



Date:

9-23-20

Bob Hancock  
(address)  
415 E. Geyser St.  
Livingston, MT. 59047

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Bob Hancock Date: 9-23-20



Saul Heinemann  
(address) po box 926  
Big Timber MT 59011

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: Saul Heinemann

Date: 9 23 20

Joseph Luther  
(address)  
320 N 3rd St, Livingst  
MT, 59047

Mail To:

Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: 

Date: 9.24



603 S. Michigan St.  
(address)

Conrad, MT 59425

David Hadcock

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Signed: David Hadcock

Date: 9-25-2020

Chris Sullivan  
(address)  
4250 Liberty School Rd  
Conrad MT 59426

Mail To:  
Phil Kilbreath  
FWP Enforcement Division  
P.O. Box 200701  
Helena, Montana 59620-0701

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Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9/25/2020



Doug Riddle

3847 Lakeview Dr

Lewiston ID 83501 208-305-6794

Mail To:

Phil Kilbreath

FWP Enforcement Division

P.O. Box 200701

Helena, Montana 59620-0701

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Note: I am looking forward to the discussion meetings or work shop to help determine or compromise on this issue.

Signed: \_\_\_\_\_

*Doug Riddle*

Date: Sept. 23 - 2020

**From:** [Clayton Elliott](#)  
**To:** [Kilbreath, Phillip](#)  
**Cc:** [David Brooks](#)  
**Subject:** [EXTERNAL] MTU Comments on Shields River proposed rule change, motorized use  
**Date:** Friday, October 9, 2020 12:17:24 PM  
**Attachments:** [2020-10-07 MTUComments ShieldsRiver FNL.pdf](#)

---

Good afternoon Phil -

Please find attached comments on behalf of Montana Trout Unlimited on the proposed rule change regarding motorized watercraft on the Shields River. Please let me know if you need any additional information.

Thanks,  
Clayton

**Clayton Elliott**  
*Conservation and Government Affairs Director*  
**Montana Trout Unlimited**  
[clayton@montanatu.org](mailto:clayton@montanatu.org)  
o: 406-543-0054  
c: 307-272-6298  
[www.montanatu.org](http://www.montanatu.org) [[montanatu.org](http://montanatu.org)]







October 7, 2020

Montana Trout Unlimited  
312 North Higgins, Suite 200  
P.O. Box 7186  
Missoula, Montana 59807

Montana Fish, Wildlife, and Parks Enforcement Division  
ATTN: Phil Kilbreath  
P.O. Box 200701  
Helena, Montana 59620-0701

**Re: Amendment to ARM 12.11.4101 pertaining to closing the Shields River to all motorized watercraft**

Mr. Kilbreath:

Thank you for the opportunity to provide comments on the proposed amendment to ARM 12.11.4101 pertaining to closing the Shields River to all motorized watercraft. We have reviewed the proposal put forward by the petitioners and accepted by the Fish and Wildlife Commission, and we wish to go on record supporting the change to the ARM. We were unable to attend the public meeting, but please consider the following as our official public comment.

Founded in 1964, Montana Trout Unlimited (MTU) is the only statewide grassroots organization dedicated solely to conserving, protecting, and restoring Montana's coldwater fisheries. MTU is comprised of 13 chapters across the state, including the Joe Brooks Chapter in the area, and represents approximately 5,000 members and friends. Many of our members are conservation-minded anglers who have an active interest in the health and recreational values of our state's rivers and streams.

As an organization we are not opposed to motorized watercraft in general; we believe that there is a time and place where those multiple uses can be balanced between recreation, agriculture, safety, and conservation of the resource. The Shields River is not one of those places. We support this rule change that will work to reduce conflict between all river users, preserve fragile riparian ecosystems and wildlife, and help prevent the spread of aquatic invasive species. Further, this proposal has broad support from the local landowners and communities along the Shields River.

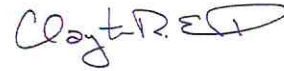
Please do not hesitate to contact us with any questions, or if you need additional information regarding the comments that we have submitted (via email at [clayton@montanatu.org](mailto:clayton@montanatu.org) or by

phone at 406-543-0054). Again, we thank you for the opportunity to provide public comment on this important topic.

Respectfully,



David Brooks  
Executive Director  
Montana Trout Unlimited



Clayton Elliott  
Conservation Director  
Montana Trout Unlimited



**From:** [Max Hjortsberg](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Comment on Shields River Rule Change  
**Date:** Friday, October 9, 2020 11:46:56 AM  
**Attachments:** [PCEC Comment on FWP Shields River Rule Change 10.9.2020.pdf](#)

---

Please find attached Park County Environmental Council's comment on the proposed rule change closing the Shields River and its tributaries to all motorized use.

Please let me know if you have any questions, or any issues with the attached PDF.

Thank you,

Max Hjortsberg



**Max Hjortsberg**

Conservation Director

Park County Environmental Council

He/Him

■ [406-222-0723](tel:406-222-0723) | [406-223-3892](tel:406-223-3892)  
■ [max@pcecmt.org](mailto:max@pcecmt.org)  
■ [www.pcecmt.org](http://www.pcecmt.org) [[pcecmt.org](http://pcecmt.org)]  
■ 215 E. Lewis St #306, Livingston, MT 59047



October 9, 2020

Phil Kilbreath  
Department of Fish, Wildlife and Parks Enforcement Division  
P.O. Box 200701  
Helena, Montana, 59620-0701

**RE: New Rule I and the amendment of ARM 12.11.4101 pertaining to closing the Shields River to all motorized watercraft**

Dear Mr. Kilbreath,

I am writing on behalf of the Park County Environmental Council (PCEC), a local grassroots environmental group with more than 500 members and 2,300 supporters. I appreciate your time and consideration on this important matter. I would like to thank you for the opportunity to provide comments to the Department of Fish, Wildlife and Parks on the proposed rule change closing the Shields River and its tributaries to all motorized use.

PCEC has been working to protect and preserve Park County's vast natural resources since 1990. We are a county-wide environmental group focusing exclusively on issues affecting Park County. PCEC works with residents to safeguard and advocate for the county's world-class rivers, diverse wildlife, landscapes, and outstanding natural beauty, while protecting the health and wellbeing of people who live and work here.

Initially formed by a small group of community members to advocate for wild places, wilderness and quality of life issues in Park County, PCEC has grown to cover numerous issues related to the Yellowstone River and its tributaries, public land management, and land use and threats from development, while encouraging community engagement on these issues.

PCEC supports the proposed New Rule I, and the amendment of ARM 12.11.4101 pertaining to closing the Shields River to all motorized watercraft initiated by a group of concerned citizens living in the Shields River Valley.

The Shields River may be overshadowed by the Yellowstone River in Park County, but the river is still considered one of the county's gems and is treasured by locals for its intimate nature and character.

The Shields River is the largest tributary of the Yellowstone in Park County, and provides important habitat and spawning grounds for the Yellowstone cutthroat trout, especially in



its many smaller tributaries. Much work has been done in recent years in the river's headwaters to protect a population of genetically pure Yellowstone cutthroat.

The Shields River is listed as impaired by the Montana Department of Environmental Quality for sediment. A Watershed Restoration Plan was subsequently created to address this situation. The Shields River has experienced historic level flooding in recent years, coupled with extremely low, late summer flows resulting from irrigation withdrawal and persistent drought conditions. The Shields River Watershed Group is working to address these issues, and PCEC supports their efforts. We only want to illustrate that these stressors are a reality and present enough challenges for local residents to confront and deal with, without needing to contend with the additional challenge and conflict of personal motorized watercraft on the river.

This newer personal watercraft technology, in the form of a motorized "kayak", utilizing a 7horsepower 4-stroke Subaru inboard jet motor, can travel at speeds over 20 mph in water depths of as little as 4 inches. In the past couple of years, these motorized kayaks have become a new presence, and nuisance, on the Shields River.

Serious safety considerations need to be taken into account with this novel ability to travel up-river on such a small system. Other floaters, swimmers and people wading and fishing the Shields River are at risk from a potential collision. The sinuosity of the river creates many blind spots. During low flows, the river can be quite narrow in spots.

Increased human pressure on our rivers creates significant impacts on the aquatic and riparian ecosystem, but motorized use carries with it a far greater potential to impact key trout spawning areas and holding water habitat by displacing trout and disturbing the stream bed. Both of these issues create an additional and unnecessary stressor for trout and other aquatic life. Sediment input and erosion are already a major issue on the Shields River without the additional impacts that motorized watercraft will create in the form of wave action from the wake of the motor.

Even a small motor will create the unwanted nuisance of noise, disrupting terrestrial wildlife and birdlife, not to mention other river users. Quiet waters are an essential component to the health of a river's ecosystem, not to mention an individual's enjoyment of time spent on the water. Noise disturbances are often felt well in advance of the user's physical presence, and quite often go unnoticed by the motorized user.

The popularity of fishing and paddling in Montana is reflected in the nearly \$1 billion dollars in revenue that the industry brings to the State annually. Protecting our river resource from mechanized impacts helps protect that economy. The last thing we need is an "arms race" among anglers jetting up and down our rivers to access prime fishing spots, ultimately spoiling the experience for all but a few. It's also not difficult to see the potential for a serious increase in conflict between motorized and non-motorized users, as the disruptions caused by motorized use are a real intrusion upon all other river users.

When the 10-horsepower limit was put into place many decades ago, this type of motorized kayak was about as far fetched as a flying car. Now, technology has advanced to such a point that the horsepower limit is no longer an obstacle for personal watercraft. These jet boats honestly have no place on any of the smaller waters in Montana, especially the Shields River.

We would like to thank the Montana Fish, Wildlife and Parks for this opportunity to provide comments on this import local issue in Park County.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Hjortsberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Max Hjortsberg  
Conservation Director



**From:** [Chuck](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Wednesday, September 16, 2020 12:35:43 PM

---

Please pass the amendment to close the Shields River to motorized boats. As Montana grows in population it is increasingly difficult to escape the noise which disrupts the tranquility of this beautiful land.

Chuck Wright  
Major, USA (Ret)

[Sent from Yahoo Mail on Android \[go.onelink.me\]](#)

**From:** [Scott Wolf](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Banning Motorized Boats on the Shields River  
**Date:** Wednesday, September 16, 2020 10:36:24 PM  
**Attachments:** [image001.png](#)

---

Mr. Kilbreath:

I wanted to express my support for the ban on any motorized boats on the Shields. I am a resident of Livingston and enjoy fishing the Shields. The jet boats that currently operate on the river are inappropriate. They have the Yellowstone for their enjoyment.

Please let me know if you need any thing further from me to have my view expressed at the upcoming meeting.

Sincerely,

Scott Wolf



**Scott Wolf**  
CEO | Proper Insurance®

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**Phone** [888-631-6680](tel:888-631-6680) **Fax** [888-331-9299](tel:888-331-9299) **Email** [scott@proper.insure](mailto:scott@proper.insure)  
**Website** [www.proper.insure](http://www.proper.insure) [\[proper.insure\]](#)

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## Kilbreath, Phillip

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**From:** noreply@mt.gov  
**Sent:** Thursday, September 17, 2020 10:14 AM  
**To:** Kilbreath, Phillip  
**Subject:** \*\* Email from fwp.mt.gov \*\*

**Name:** gerald happe  
**Phone Number:** 14066332965  
**Email:** ghhappy1947@gmail.com

re: Shields River

I am against all motorized use on the Shield River. The possibility of conflict between or with Animals (domestic, farm or wildlife), or structures is very likely at any time of the year. The disturbance to the river environment by motorized craft is quite unnatural to a small stream with creatures that live in and rely on the streambed as a survival site, suffering habitat loss and water quality as an example. The natural effects of seasonal flushing is normal, but to run a motorized craft in the river is similar to a rototiller on dryland, lots of disturbance.

Again, NO MOTORIZED USE ON SHIELDS RIVER.

have great day,

G.H.Happe  
ALS# 02/18/1947

**From:** [Doug McKnight](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields river no motors  
**Date:** Thursday, September 17, 2020 11:35:23 AM

---

Hello,

I fully support a no motors rule on the shields, Boulder and Yellowstone river above 89 bridge. Time for MT FWP to keep up with the times. These new 9.9 jet boats are becoming a big problem on local waterways, the ones I have seen on the river have zero regard for anything and something needs to be done not only on the shields, but also on the Boulder and Yellowstone river above 89 bridge. I have never seen anyone use a motor above 89 until these small jets started doing it. Thanks for your time!

Sincerely,

Doug McKnight  
Livingston, MT



**From:** [Logan Brown](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Motorized Watercraft on the Shields River  
**Date:** Friday, September 18, 2020 9:22:06 AM

---

Mr. Kilbreath, I am writing to show my support for **banning motorized watercraft on the Shields river**. The motorized crafts I have witnessed on the Shields river are far too powerful and dangerous. They endanger recreational users, livestock, farm equipment, and children swimming. The risks far outweigh the rewards that a few people with motorized crafts enjoy. The Yellowstone river allows the enjoyment and access of motorized crafts on the river.

Thank you for the time Mr. Kilbreath and hope my comments will be considered on the October 6th public hearing.

Best,

Logan Brown  
The Yellowstone Angler  
Livingston, MT 59047  
[logan@yellowstoneangler.com](mailto:logan@yellowstoneangler.com)  
406-222-7130



**From:** [Marion Ward-Fanning](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Motorized boats, etc on the Shields River  
**Date:** Friday, September 18, 2020 11:22:44 AM

---

I am opposed to allowing motorized boats or any thing with an engine on Shields River !  
Shields River meanders through Shields Valley and provides people to fish and families to enjoy our QUITE communities !!! Many people partake of kayaking, canoeing, rubber rafts, And of course, fishing !  
I urge you to keep all motorized boats and water craft off the Shields !!!

Thank you,  
Marion Dee Ward Fanning  
Land owner in the upper Shields Valley !!

Sent from my iPad



**From:** [satpg3@gmail.com](mailto:satpg3@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Wednesday, September 23, 2020 11:47:15 AM

---

Anyone running motorized motor craft on the Shields River is showing complete disrespect for all wildlife species that call that waterway home. I am against recreational water sports, only where the scale of the water resource is too small to insulate it from negative impact. The Shields River is one of those water resources.

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.

**From:** [mattblank555@gmail.com](mailto:mattblank555@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Wednesday, September 23, 2020 3:35:30 PM

---

I support closing the Shields River to motorized watercraft. This river is not big enough to support the safe use of watercraft. Using motorized craft in this small river is dangerous to those who fish, swim and simply wade in the stream. In addition, motorized craft create wakes that damage banks and stream habitat. Stream degradation can also have harmful effects to native fish, including whitefish and cutthroat trout. Along these lines, the Shields river is a stronghold for native cutthroat, and many efforts have been made to restore and protect this valuable fishery for the public. The impacts from motorized watercraft on this small stream directly counter all of the work done to preserve, restore and protect it. Those who enjoy using motorized watercraft can safely, and much less harmfully, use the Yellowstone River, which is not far away.

The Shields river is simply too small to allow the safe operation of motorized craft. This rule should be adopted.

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [cottonwoodbench@gmail.com](mailto:cottonwoodbench@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Friday, September 25, 2020 9:27:31 AM

---

I support the proposed rule to close the Shields River to motorized watercraft. I reside a short distance from the Shields River on the other significant fork from the Crazy Mountains, Cottonwood Creek. These waterways are extraordinary corridors - highways - for wildlife and waterfowl, as well as aquatic habitat. With the massive people pressures Montana is experiencing, particularly the new and likely permanent refugees from covid and climate change, it is critical that we define some guidelines to protect our fragile and beautiful places. The Shields River is one such treasure. Asking all of us to leave behind our disruptive motors when we are out enjoying it, is not asking too much. Thank you for your consideration and the opportunity to comment. Dorothy Bradley

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.

**From:** [pat@sweetwatertravel.com](mailto:pat@sweetwatertravel.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Friday, September 25, 2020 11:10:35 AM

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I am a life long Montana resident, live up the Shields Valley, and involved in the sport fishing industry. I fish the Shields many days each year.

While I might not support banning all motors on rivers, I do feel that the Shields is unique. Most importantly it has a lot of access points for the public to wade fish, and float during high water. As a result I believe having motorized boats on this river takes away from the overall wilderness experience most fisherman/users appreciate. Currently we are talking about 1 user with multiple boats affecting all the other public users experience.

I support closing the Shields River to all motorized watercraft due to the fact that there is good access for the public throughout the watershed, and that the 99% majority of users do not use motors.

Thank you,

Pat Vermillion 406-223-3072

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [Mike McDaniel](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River Non-Motorized Proposal  
**Date:** Saturday, September 26, 2020 11:18:56 AM

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Please consider these comments regarding "In the matter of the adoption of New Rule I and the amendment of ARM 12.11.4101 pertaining to closing the Shields River to all motorized watercraft", MAR Notice No. 12-530.

The Montana Fish And Wildlife Commission should approve the proposed adoption and amendment of the referenced rule. Currently, the Shields River has a motorized allowance of up to ten horsepower (10 hp) for any watercraft. The proposed rule would prohibit the use of any motorized and/or machine-powered watercraft on the Shields River.

At the commission's August 13, 2020 meeting, Shields River area residents testified that individuals have been traveling upstream on the river using modified watercraft resembling small airboats. It is believed that while the watercraft may technically fall within the 10 hp allowance, they have been modified such that they are able to power upstream much faster and in a smaller/shallower streambed than the allowance could have foreseen. The watercraft are extremely loud and the speed at which they are able to travel creates significant disturbance to people, wildlife, and the river itself. Area residents have made numerous complaints to the area game warden, who cannot take action due to the motorized allowance. It is clear that conflicts with area residents will inevitably continue and likely increase. This also raises obvious safety concerns due to potential conflicts, and the physical proximity of the high-speed watercraft to humans and animals on such a small river.

The watercraft are able to power upstream at high speed in the Shields river, and are capable of navigating the river including during spawning periods when fish are most vulnerable. The Shields river provides habitat for migrating and resident cutthroat, rainbow, and brown trout, and whitefish, all of which spawn in the Shields River, with some spawning during typical lower water seasons. Successful fishery and fish passage projects have been completed to further enhance these fish populations. In addition, the river provides a travel/migration corridor frequented by many land animals including moose, elk, and deer, as well as predators. Riparian trees are utilized for nesting by resident bald and golden eagles, as well as migratory osprey and herons.

No practical or traditional reason for the motorized allowance on the Shields exists. Due to its relatively small size and natural obstructions, the vast majority of human river traffic is via walking/wading. No public land can be reached via the river that is not directly accessible via the area road system. The very limited benefit of motorized recreation on a river as small as the Shields is significantly outweighed by the detriments it presents. It is for these reasons the Commission is urged to adopt this rule and amendment. Thank you for your consideration of this important matter.

Michael McDaniel



**From:** [shannonwholmes@hotmail.com](mailto:shannonwholmes@hotmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Wednesday, September 30, 2020 11:18:51 AM

---

I fully support closing the Shields River to all motorized watercraft. The Shields River is a precious resource and gets alot of recreational activity with fishing and swimming during the summer months. There are larger water bodies conducive to motorized activities.

---

This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.

**From:** [sally.epps@usa.net](mailto:sally.epps@usa.net)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Wednesday, September 30, 2020 3:22:15 PM

---

As a homeowner on the Shields River, and as a mother and dog owner, I would like to strongly express my support of banning all motorized watercraft on the Shields River. There are plenty of other places that are more appropriate for such activities. It is dangerous for anyone recreating in the river whether they are fishing, swimming, or just walking their dog. The Shields River is much too small and twisty for this to be a safe activity -- both for the people on the watercraft and the people that are not.

---

This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [L Jones](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River motorized watercraft comment  
**Date:** Wednesday, September 30, 2020 3:49:51 PM

---

Please close our little Shields River to motorized watercraft! This River is more like a stream for most of the year, and the potential for damage to irrigation equipment, livestock and infrastructure is high. Fishing is becoming a more commonly enjoyed recreation on the Shields and we also have many families that enjoy tubing, kayaking, canoeing, rafting and swimming. Mixing motorized boats with this diverse group of non-motorized recreationists is a recipe for disaster. Thanks for considering my comments! Lee Jones (Wilsall)

**From:** [susie@enviadesign.com](mailto:susie@enviadesign.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Thursday, October 1, 2020 8:58:13 AM

---

My husband Ira Cuelho and I are in full support of closing the Shields to motorized watercraft. Our property has 1 mile of Shields River frontage. We spend every day in the summer on the river swimming and fishing and playing. The motorized craft put my family, we have 4 young children, at risk. We have witnessed these watercraft come speeding around the many curves in the river without caution. The crafts are also very loud and often disturb our horses. We feel the Shields is too small for motorized watercraft. The use of such watercraft is reckless and dangerous to all who enjoy and recreate on the river. Thank you, Susie Hoffmann

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [kelly@fishingowlfarm.com](mailto:kelly@fishingowlfarm.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Thursday, October 1, 2020 12:47:02 PM

---

As a homeowner on the Shield's River, I urge you to approve the proposed amendment to close the river to all motorized watercraft. Our family swims, fishes and floats in the river and I believe that motorized watercraft would be dangerous. The small and twisty nature of the river with lots of downfall hazards is not safe for motorized watercraft to share with other users.

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.

**From:** [matkinson@ahn-law.com](mailto:matkinson@ahn-law.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Thursday, October 1, 2020 5:08:04 PM

---

We don?t need motorized watercraft on the Shields River. It?s already stressed by being over irrigated and it?s too shallow and filled with debris from previous Spring floods. Allowing motorized boat traffic will end up getting someone killed.

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [pjm4041@gmail.com](mailto:pjm4041@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Sunday, October 4, 2020 12:17:37 PM

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At the last hearing it was brought up that during high water periods motorized watercraft could be allowed. This is not a good idea. I live on the Shields River and after the high water has dropped we have huge chunks of concrete from someones riprap up stream deposited on our banks plus tree trunks and other debris. All this could easily harm someone. Thank you.  
Patricia Mackinder

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.

**From:** [barbarascofield@hotmail.com](mailto:barbarascofield@hotmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Monday, October 5, 2020 9:26:39 PM

---

We live on the bend on the Shields River. We feel strongly that any motorized vehicle is inappropriate. There are too many curves and shallow areas in the river. Please keep our river safe by not allowing these motorized vehicles.

Thank you.

Ted & Barbara Scofield

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [dan@sweetwatertravel.com](mailto:dan@sweetwatertravel.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Tuesday, October 6, 2020 9:19:01 AM

---

I am writing to express my support for the petition to closed the Shields River to all Motorized watercraft. This river is extensively used, even more so this year, by both agricultural producers and recreationalists. There is a distinct public safety risk associated with motorized boats moving up and down the river at high rates of speed while cows drink from the river, fisherman wade on a blind corner, or a group of local kids float the river in inner tubes. Please support this petition and close the Shields to motorized access.

---

This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.

**From:** [m.h.montana@gmail.com](mailto:m.h.montana@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Tuesday, October 6, 2020 11:04:18 AM

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Victoria and Stuart Schilling, Livingston MT

We have lived on the Shields River for 12 years. In the past 2-3 years we have started to see jet boat activity throughout the summer months. Our primary concern is one of safety. We have young children, and dogs, and use the river throughout the summer for swimming, fishing and tubing. We have been in the water when jet boats have passed through, at considerable speed. The channel of navigability is narrow, especially in our section of the river, and there is simply not enough room for jet boats to safely pass without risk to people in, or on, the water. We strongly support the proposal to close the Shields River to All Motorized Watercraft. Thank you.

---

This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [jeff@fishingowlfarm.com](mailto:jeff@fishingowlfarm.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Tuesday, October 6, 2020 11:13:39 AM

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October 6, 2020

Montana Fish and Wildlife Commission  
c/o Shawna Pieske, Commission Secretary  
Montana Fish, Wildlife & Parks  
P.O. Box 200701  
Helena, Montana 59620-0701

Dear Commissioners:

Thank you for drafting the proposed rule to prohibit motorized watercraft on the Shields River.

As the original petitioners who brought this issue to your attention?all residents and landowners within Park County, specifically the Shields River Valley?we support this rule for reasons of safety as noted in our original letter and encourage its swift approval.

Sincerely,

Melissa Atkinson  
Mike Atkinson  
Annie Beaver  
Dorothy Bradley  
Ashley Browning  
Shannon Browning  
Barbara Claiborn  
Steve Claiborn  
Taya Cromley  
Ira Cuelho  
Mike Dailey  
Sue Dailey  
DeWitt Dominick  
Lynn Donaldson  
Sally Epps  
Nancy Etheridge  
Addie Foster  
Jack Grundhofer  
Patti Grundhofer  
Penny Harenburg  
Scot Harenburg  
Tom Harenburg  
Susie Hoffmann  
Shannon Holmes  
Lee Kinsey

Ed Lamb  
Dave Mackinder  
Pat Mackinder  
Leigh McDaniel  
Mike McDaniel  
Bob Means  
Jim Messina  
Taya Messina  
Mitch Miller  
Kelly Niles  
Brad Palmer  
Emily Post  
Ann Schilling  
Ed Schilling  
Stuart Schilling  
Victoria Schilling  
Barbara Scofield  
Ted Scofield  
Neil Sexton  
Jeb Todd  
Nikki Todd  
Dan Vermillion  
Jen Vermillion  
Pat Vermillion  
Becki Watson  
Jeff Welch

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [Mike and Kris Mol](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Friday, October 9, 2020 5:29:34 PM

---

Hello Phil!

It just came to our attention that motorized watercraft are permitted on the Shields River up to 10 HP. The Shields is a very small river and we strongly feel that it is not a river that should allow any motorized watercraft. We believe it adversely affects the fish and wildlife and disrupts the peaceful enjoyment of others on the river besides posing safety risks. Please ban all motorized watercraft on this river. We also strongly feel that this restriction should be implemented on all such small rivers and include the upper sections of the Yellowstone river. Thank you for your consideration.

Sincerely,  
Kristine Mol and Michael Mol

**From:** [AL AGNEW](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Motorized travel on the Shields River  
**Date:** Tuesday, October 6, 2020 9:48:45 PM

---

My wife and I live within 4 miles of the Shields River and I fish it regularly. I am in full support of a ban on motorized travel on this small stream. I happen to have seen the small jetboats, designed ONLY for going fast in very shallow water--they are useless for anything else--running on the Shields, and it is an accident waiting to happen. I own a jetboat, and I know how they operate. I also know that the boats running the Shields that I saw were almost certainly illegal, given the 10 horsepower limit on the Shields in Park County. They were labeled as 10 hp, but as someone familiar with jetboat technology, I know that 25 horsepower is about the minimum size that can run with any efficiency, and there is no way the boats I saw had motors that small, so I firmly believe they were intentionally mislabeled in order to get around the horsepower limit. A 10 horsepower prop motor is totally impractical on the Shields, and it is no place for high speed watercraft, so it only makes sense to ban all motorized craft on it.

Sincerely,  
Al Agnew



**From:** [Spencer Lawley](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River motorized rule change  
**Date:** Wednesday, October 7, 2020 3:32:09 PM

---

Hello,

I am writing to voice my support for the new proposed rule change, restricting all motorized craft from the Shields River. I believe the nature of motorized watercraft today far exceeds any reasonable use of them on the Shields river. The shallow water, other users, natural environment, and noise are all problems or negative impacts of motorized water raft on the Shields. To protect the future use of its citizens, both human and not, I believe it should be a non-motorized waterway.

Thank you,  
Spencer

**From:** [joedolenphelps@gmail.com](mailto:joedolenphelps@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] no motors on the Shields  
**Date:** Wednesday, October 7, 2020 3:37:03 PM

---

Phil,

From someone who lives on the Yellowstone and who loves  
to fish The Shields:

I hear from the myriad of folks who float by my house how nice it is  
to not have to deal with motorized boats.

You know the list better than I do, but there's:

- the noise
- the petroleum products in the water
- disturbing the wildlife
- damage resulting from the propeller
- wakes created that disturbs others

So, obviously I support the initiative to prohibit motors on the Shields!

Thanks for all you do,  
Joe

***Joe Phelps***

3930 U.S. Hwy 89 South  
Livingston, MT 59047  
406-224-2409



**From:** [lindowj1@gmail.com](mailto:lindowj1@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Wednesday, October 7, 2020 3:44:39 PM

---

Hello,

I support the prohibition of all motorized craft us on the Shields River. I agree their use has a negative environmental impact.

Thank you,  
Janet Lindow  
[Lindowj1@gmail.com](mailto:Lindowj1@gmail.com)

**From:** [John Feckanin](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] motorized craft  
**Date:** Wednesday, October 7, 2020 3:55:47 PM

---

Sir: Please consider eliminating the use of all motorized craft on the Shields River. This waterway should be protected from such use for both ecological as well as for safety reasons. Thank you for your consideration.

John Feckanin  
Livingston, MT



**From:** [Todd Mott](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL]  
**Date:** Wednesday, October 7, 2020 7:23:14 PM

---

Please stop this nonsense with any motors on the shields.

T. Mott

**From:** [Joanne Berghold](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Rule  
**Date:** Wednesday, October 7, 2020 7:32:31 PM

---

Please hear us!!!

My husband and I support the rule change regarding motorized boats on the Shields and other smaller rivers. Keep MT quiet and let wildlife flourish!

Joanne Berghold

Sent from my iPhone



**From:** [Robert D Hughes](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River ban on motorized water craft  
**Date:** Wednesday, October 7, 2020 7:53:20 PM

---

I support changing the rule regarding Shields River watercraft. I recommend that motorized watercraft be banned from the Shields River. This small river is not appropriate for the safety risks from motorized craft.

Thanks for the opportunity to comment.

Bob Hughes  
Livingston, MT

**From:** [Topping Rhea](#)  
**To:** [Kilbreath, Phillip](#)  
**Cc:** [Topping Rhea](#)  
**Subject:** [EXTERNAL] Shields  
**Date:** Wednesday, October 7, 2020 7:58:07 PM

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PLEASE, PLEASE, PLEEEEEZE don't allow any type of boating on the Shields.....I have been coming to MT for 38 yrs, and have a place nearby. I have seen SO many rivers and lakes, not to mention YNP, go down more every season....why ? bad management!!! Very simple! It's one thing to spar over the Madison (which absolutely should have limited anglers and guides, and boats...but that's, as you know, a big river....the Shields has been mis-treated for YEARS by unlimited irrigation, but to allow kayaks, with or without motors.....it shouldn't even need backing from folks like me!!! It's a given!!!! The river is small, over-irrigated, and ANY type of boat will destroy what's left - yes, for wading anglers...but MORE IMPORTANT, for spawning Yellowstone fish, and resident fish in the Shields. Please stop ALL boats, rafts, kayaks, tubes on the Shields  
Thank you very much. Rhea Topping

Rhea Topping's  
Mayfly Adventures, LLC  
Upperville, Virginia  
[rheatopping@gmail.com](mailto:rheatopping@gmail.com)  
USA 540/592-3006  
USA cell 415/722-7924  
Arg. +54 9 2944 60 8573



**From:** [Heidi Anderson](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Proposed Shields River Motorized Watercraft Rule Change  
**Date:** Thursday, October 8, 2020 7:40:20 AM

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Dear Mr. Phil Kilbreath

A group of concerned citizens in the Shields River valley petitioned Montana Fish Wildlife and Parks (FWP) Commission on Tuesday, October 6th, to implement a new rule on restrictions for motorized watercraft on the Shields River. Currently there is a 10-horsepower limit on motor boats on the river, and the proposed rule calls for restrictions prohibiting all motorized use.

I live in Gardiner Montana and I support the proposed rule change.

Serious safety considerations need to be taken into account with this novel ability to travel up-river on such a small system. Other floaters, swimmers and people wading the Shields River are at risk from a potential collision. Newer personal watercraft technology in the form of a motorized "kayak", utilizing a 7hp 4-stroke Subaru inboard jet motor, can travel at speeds over 20 mph in water depths of as little as 4 inches. In the past couple of years these motorized kayaks have become a new presence on the Shields River. The more ability a person has to speed, the more likely they will. I work off the roads in Yellowstone National Park and no one is going the speed limit. This rule change would likely also increase the need for more emergency responders. Generally the emergency response system is already tapped in Montana and time to definitive care usually requires a helicopter for serious accidents.

In addition to the safety concerns of other river users that the Shields Valley residents raised with FWP, there are also some considerable environmental impacts that FWP needs to consider as well: the displacement of wildlife from the noise of the motors, increased threat of nonnative species to the aquatic flora and impacts to the aquatic habitat, especially the disturbance to spawning trout and spawning habitat from the jet motor. With increased motors comes an increased threat of more invasive species. Invasive aquatic species are very difficult to eradicate, let alone control. It would take a very vigilant boat inspection program to reduce the threat of these aquatic invaders.

When the 10-horsepower limit was put into place many decades ago this type of motorized kayak was about as far fetched as a flying car. Now technology has advanced to such a point that the horsepower limit is no longer an obstacle for personal watercraft. These jet boats honestly have no place on any of the smaller waters in Montana, especially the Shields River.

Thank you for consideration of my comments. I really appreciate you taking my safety and environmental concerns under serious consideration.

Sincerely,

Heidi Anderson

**From:** [Jeff Musselman](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River - Jet Boats  
**Date:** Thursday, October 8, 2020 8:37:30 AM

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I am contacting you regarding the proposal to ban all motorized boats on the Shields River. As a frequent user of the Shields (fishing) the idea that Montana FWP would allow any motorized boats on a river this size seems to be ill advised, primarily for safety reasons. This is only a "river" from mid May until late June/early July due to the annual spring run off. From early/mid July on the Shields is really a large creek due to decreased summer/fall/winter flows. I am concerned for my safety, and that of my children who fish with me, if a jet boat were to be traveling up/down the Shields while I was in the water. The Shields is simply too small to accommodate both on foot recreational users (as well as non motorized watercraft) and jet boats. In particular is the winding nature and the riparian vegetation of the Shields. The Shields is a classic winding valley stream that creates countless "hidden corners" that would be impossible for a person piloting a jet boat to see around. I fear a jet boat traveling at moderate to high speeds coming around a blind corner and running into an angler or other recreational user (canoe/kayak/raft/drift boat/tuber/etc.). The dense riparian cover along the stream bank can also block one's view of the waterway ahead, creating another hazard.

In summation the Shields is simply too small to accommodate any kind of motorized travel. There are many larger rivers in Montana, like the Yellowstone, that are much better suited for motorized boat use. Let's keep them to the waterways that make sense and don't create a public safety issue.

Best,  
Jeff

Jeff Musselman  
910 South 6th Ave.  
Bozeman, MT 59715

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Jeff Musselman  
406-539-4889

Ouray Sportswear  
<http://www.ouraysportswear.com/> [[ouraysportswear.com](http://www.ouraysportswear.com/)]

Duckworth  
**WOOL FOR THE WOOLWORTHY**  
<http://duckworthco.com/> [[duckworthco.com](http://duckworthco.com/)]



**From:** [Michael Dailey](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Motorized Boats on the Shields River  
**Date:** Friday, October 9, 2020 11:46:13 AM

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I am a riverfront owner on the Shields River in the Falls creek portion of the river. I have seen the two small jet boats pass by my property and I am strongly opposed to their use on the Shields. They are relatively loud, fast, and obnoxious. I would be interested to have them closely examined to determine their exact horsepower rating. It's hard to believe that they have motors under 10 HP. The owner is in the motorcycle and snowmobile sales business. These small aluminum jet boats can be seen on line running up very narrow and swift streams. Please check out the internet in order to see their potential for conflict on a river like the Shields.

I have been on the citizen's advisory committee for Dist #3 in the past and you can find my contact info. on file. My cell is 223-8468

Thanks for your time and actions related to this topic.

Mike Dailey

247 Shields River Road East

**From:** [Matt Chowen](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Thursday, October 8, 2020 9:29:48 AM

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As a non-resident with family in Livingston Montana I I favor no motorized kayaks on the Shields river too fast make them paddle Matt Chowen Welch Minnesota thank you



**From:** [Ken Decker](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River plan  
**Date:** Thursday, October 8, 2020 11:22:04 AM

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To whom it may concern,

I am writing to express my opinion that motorized travel of any kind should not be allowed on the Shields River. What with the mine and all, we must do all can to reduce any further threats to this popular and vital water way. Is there not enough water available for the motor obsessed?

Do we always give in to the fossil fuel crowd? Are we afraid of them?

Motorized travel is just another way to squeeze out the natural world and further increase our susceptibility to things like the Covid virus. This is a fact.

Please consider what is best for the environment and current usage on the Shields!

Ken Decker  
Livingston, MT

**From:** [steve dober](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Re: [EXTERNAL] Smith River comment  
**Date:** Thursday, October 8, 2020 2:32:41 PM

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My bad!!!

I meant to say the Shields!

Just to repeat: I've floated the Shields twice. It was peaceful and the trout habitat was incredible! I'm opposed to motorized use of the Shields!

Thanks for bringing my mistake to my attention!

Steve Dober

Gardiner MT

Sent from my iPhone

> On Oct 8, 2020, at 1:18 PM, Kilbreath, Phillip <PKilbreath@mt.gov> wrote:

>

> Hi Steve, thanks for the comment, this proposal is not for the Smith river but rather the shields river.

>

> -----Original Message-----

> From: steve dober <srdgrdcrp@yahoo.com>

> Sent: Thursday, October 8, 2020 1:06 PM

> To: Kilbreath, Phillip <PKilbreath@mt.gov>

> Subject: [EXTERNAL] Smith River comment

>

> Hello!

> My name is Steve Dober. I've floated the Smith twice. Both times I've appreciated the tranquility of the trip. I have vivid memories of seeing trout in crystal clear water. For both those reasons, I'm opposed to any use that would or could compromise those qualities. Therefore I'm opposed to motorized use of the Smith.

> Thank you.

> SD

> Gardiner Mt

>

>

> Sent from my iPhone



**From:** [steve dober](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Smith River comment  
**Date:** Thursday, October 8, 2020 1:06:33 PM

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Hello!

My name is Steve Dober. I've floated the Smith twice. Both times I've appreciated the tranquility of the trip. I have vivid memories of seeing trout in crystal clear water. For both those reasons, I'm opposed to any use that would or could compromise those qualities. Therefore I'm opposed to motorized use of the Smith.

Thank you.

SD

Gardiner Mt

Sent from my iPhone

## Kilbreath, Phillip

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**From:** noreply@mt.gov  
**Sent:** Thursday, October 8, 2020 3:22 PM  
**To:** Kilbreath, Phillip  
**Subject:** \*\* Email from fwp.mt.gov \*\*

**Name:** Susan Thomas  
**Phone Number:** (406) 686-4012  
**Email:** thomassus@hotmail.com

Commenting on the Shields River Motorized watercraft petition: This is a VERY bad idea to have any motorized watercraft on this river. I believe it will disrupt wildlife populations on or near the river. (I've seen many a moose that likes to hang out down in the river bottoms and most people never know they're there until they're out fishing or walking or in my case, riding my mule.) I also believe that it would be dangerous to others swimming or tubing and there are many natural obstructions in the river that change from year to year. In addition, there's the worry over the invasive mussels from other waters that could contaminate this river. This is a completing WRONG IDEA! Please consider outlawing all motorized craft on this small river for everyone's safety. Thank you for reading my thoughts. Susan



**From:** [Steven Simpson](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Friday, October 9, 2020 11:00:25 AM

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Steven Simpson, a 30 year resident of the Shields valley, is FOR the ban on motorized boat traffic on the Shields River.

Sent from my iPhone

**From:** [Todd Burritt](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Motors on the Smith  
**Date:** Friday, October 9, 2020 11:01:02 AM

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Dear Mr. Kilbreath:

I support the ban of motorized watercraft on the Smith River. Put simply, the ability to speed back and forth on that water is not just unnecessary, but out of character with the place. It is difficult to know how far innovations like motorized kayaks will go. Best to head it off and establish the Smith as a slice of the timeless Montana we know and love.

Thank you for your work and time.

Todd Burritt

326 S D St, Livingston, MT 59047



**From:** [Roxanne Haidle](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Friday, October 9, 2020 11:07:58 AM

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Roxanne Haidle, a resident of the Shields River Valley, is in favor of a ban on motorized boats on the small(43 cfs this summer) and beautiful Shields River.

Sent from my iPhone

**From:** [Michael Dailey](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Motorized Boats on the Shields River  
**Date:** Friday, October 9, 2020 11:46:13 AM

---

I am a riverfront owner on the Shields River in the Falls creek portion of the river. I have seen the two small jet boats pass by my property and I am strongly opposed to their use on the Shields. They are relatively loud, fast, and obnoxious. I would be interested to have them closely examined to determine their exact horsepower rating. It's hard to believe that they have motors under 10 HP. The owner is in the motorcycle and snowmobile sales business. These small aluminum jet boats can be seen on line running up very narrow and swift streams. Please check out the internet in order to see their potential for conflict on a river like the Shields.

I have been on the citizen's advisory committee for Dist #3 in the past and you can find my contact info. on file. My cell is 223-8468

Thanks for your time and actions related to this topic.

Mike Dailey

247 Shields River Road East



**From:** [Sue Dailey](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] ban on motorized travel on the Shields River  
**Date:** Friday, October 9, 2020 11:55:18 AM

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Dear sir:

I am a property owner on the Shields River south of Clyde Park. We spend countless hours on the Shields with family and friends. Our young grandchildren love to wade, float, and play in the mud. Our family camps near the river often. We allow many fishermen access to the river from our land and always get expressions of appreciation for allowing them not only to fish but to enjoy the beauty and solitude the river offers. We often ride horses or walk near the river to enjoy the quietness of nature.

The Shields is not a large river, especially in later summer. I have only experienced jet boats on the river once, and it was a very upsetting experience. They are loud and obnoxious and are completely contrary to the overall experience the Shields offers to its visitors. I can also see where they could be a danger to people enjoying the river.

I wholeheartedly support a 100% ban on motorized boat traffic on the Shields.

I appreciate your consideration of my opinion.

Sincerely,  
Susan C. Dailey  
247 Shields River Road East  
Livingston, MT 59047  
406-223-8468

**From:** [adellewelch@gmail.com](mailto:adellewelch@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** Public Comment: Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft  
**Date:** Friday, October 9, 2020 12:53:53 PM

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I have lived on the Shields river since I was six years old and have played and swam in the river with my sister, our friends, our neighbors, and our dogs. We frequently take our horses to the river in the summer and we also have an irrigation system that is no small object in the river. The river is very small, by late July it amounts to more of a stream, not even inner tubes can get by, and it is used by the residents for irrigation and livestock year round. The use of motorized watercraft no matter how technologically advanced, on the Shields river is dramatically unsafe. The river is full of twists and turns and the fact of the matter is irrigation systems, livestock, and people are put at risk by the use of high speed, light weight, motorized watercraft. I believe that this issue will only become more of risk with the increase of population in Bozeman and Livingston and by putting into place these regulations now, we are protecting the Shields Valley residents and livestock for the present and the future. There are plenty of other bigger and safer rivers for these crafts to recreate on, and there is no need to allow motorized craft to continue to recreate in an unsafe environment for themselves and others.

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This e-mail was generated from the 'Notice of Public Hearing on Proposed Adoption to Close the Shields River to All Motorized Watercraft' Public Notice Web Page.



**From:** [davidrfinegan@gmail.com](mailto:davidrfinegan@gmail.com)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Please no Shields River jetboats!  
**Date:** Friday, October 9, 2020 1:15:25 PM

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Park County's outdoor recreation resources have become heavily used this past summer. My wife and I have lived in and enjoyed Park County's fabulous streams and rivers for many years, with the Shields among our favorite. I cannot see how jet boats on this small water can possibly be compatible with any other uses of this precious riparian habitat. It seems ridiculous to allow such a use. I quietly wade fish this stream...please disallow jet boats on the Shields.

David R. Finegan  
Julie A. Finegan

**From:** [Mike and Kris Mol](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River  
**Date:** Friday, October 9, 2020 5:29:34 PM

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Hello Phil!

It just came to our attention that motorized watercraft are permitted on the Shields River up to 10 HP. The Shields is a very small river and we strongly feel that it is not a river that should allow any motorized watercraft. We believe it adversely affects the fish and wildlife and disrupts the peaceful enjoyment of others on the river besides posing safety risks. Please ban all motorized watercraft on this river. We also strongly feel that this restriction should be implemented on all such small rivers and include the upper sections of the Yellowstone river. Thank you for your consideration.

Sincerely,  
Kristine Mol and Michael Mol



**From:** [Dale C Spartas](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Motorized watercraft.1 I"II  
**Date:** Saturday, October 10, 2020 9:58:30 AM

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Phil,

Please scroll down. I sent my comments regarding motorized watercraft on the Shields River. The Shields is small river and people zooming around it's water ruins my fishing and birding experiences.

BTW: MTFWP is an awesome department which is doing an terrific job.

Keep up the good work.

Sincerely yours,

Dale

Dale C Spartas  
Hunter Conservationist  
406-570-8244  
DCS Photo, Inc  
1120 Nelson Rd  
Bozeman, MT 59718  
[www.spartasphoto.com](http://www.spartasphoto.com) [[spartasphoto.com](http://spartasphoto.com)]

**From:** [Taya Cromley](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Comment: Shields River Motorized Watercraft Rule Change  
**Date:** Saturday, October 10, 2020 11:23:09 AM

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Dear Phil,

I am a resident on the Shields River and am in support of restricting motorized boats of any kind on the Shields River. There are significant environmental impacts that should be considered for the aquatic and wildlife habitats along this river. The Shields River is prime habitat for moose which already have to navigate the river valley along the highway. Allowing motorized boats puts greater pressure on this species, along with other unique wildlife in this area. Additionally, increased public safety risk factors need to be considered, including noise pollution.

Thank you for accepting my comments.

Sincerely,  
Taya Cromley

--

taya r. cromley | 773.580.6330 | [tcromley@gmail.com](mailto:tcromley@gmail.com)



**From:** [Jim Messina](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Comment on Shields River motorized access  
**Date:** Saturday, October 10, 2020 11:49:39 AM

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Dear Phil,

I am a resident on the Shields River and am in support of restricting motorized boats of any kind on the Shields River. There are significant environmental impacts that should be considered for the aquatic and wildlife habitats along this river. The Shields River is a river that regularly struggles with water levels, putting pressure on fish. Adding a motorized boat to this challenge would both endanger the river and put additional pressure on the fish. Additionally, increased public safety risk factors need to be considered, including noise pollution.

Thank you for accepting my comments.

**From:** [Joseph Tenzer](#)  
**To:** [Kilbreath, Phillip](#)  
**Subject:** [EXTERNAL] Shields River Motorized limit of 10 Hp.  
**Date:** Wednesday, September 16, 2020 12:31:46 PM

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I would submit that the present limit of motorized power is 10 hp. and it be retained , with the following exclusion:.

**No Jet Boat use be permitted** anytime on the Shields River and/or its Tributaries as currently in use for watercraft powered under 10 hp..

Joe Tenzer, Darby, Mt.  
[ddg10a@gmail.com](mailto:ddg10a@gmail.com)



Shields River Administrative Rule Public Comment Hearing 10/6/2020  
Transcription of Comments

Layne Ford: My name is Layne Ford. I'm a resident of Shields Valley and a user of public lands and waterways both motorized and non-motorized. I'd like to start by saying that I strongly oppose any new restriction of motorized use on the Shields River. I'd like to talk a bit about the vessels in the picture attached to the petition, since it has no real information about them. The vessels are a custom built out of an eighth inch sheet of aluminum. They have a Berkeley six VA series inboard jet drive That was pulled from a 1968 Seadoo personal watercraft, they are powered by Yamaha MZ 300 industrial multipurpose engine. The engine is an air-cooled single cylinder four stroke that has a manufacturer's rated max power output of 9.5 horsepower. These boats weigh less than 250 pounds ready to ride and travel an average speed of six to eight miles per hour with the top speed around 10 miles per hour when conditions are perfect. The bottom line is, there is nothing new, or advanced about the technology used in these boats. There's also nothing fast about a boat power by 10 horsepower either those claims are downright false and the petition didn't include any supporting evidence to back up those claims. I'd like to note that there's never been a collision involving motorized boat nor has any motorized user ever been cited for violating safety rules or recreating on the Shields. With that said, it's obvious that the current restriction of 10 horsepower already maintains a high level of public safety. I believe that if there's a problem with motorized users traveling at high speeds on the Shields say 30, 40 even 50 miles per hour that issue needs dealt with by law enforcement, not by banning an already limited recreation opportunity altogether. I'd also like to note that motorized users posing a threat to livestock and irrigation equipment is invalid and not supported by any real evidence. Pump heads and head gates and located on the riverbank not in the middle of the river. It's also a fact that ranchers and livestock producers fence their animals away from the Shields to prevent them from escaping when river flows drop. This petition is not about public safety. If it was, it would include some real evidence about 10 horsepower vessels. There's not a single fact in this petition that supports the concern of public safety. This is about public access and I'll tell you what is new, folks like most of the petitioners moving here from some other state or country, buying up pristine properties adjacent to public lands and waterways, then those folks use their status as a landowner to influence management and attempt to reduce public presence next to their high dollar homes and vacation rentals. It's no secret that public access is extremely limited on the Shields already. For some of the petitioners banning motorized use would eliminate almost all public use near their property. I would like to ask every Commissioner and FWP official listening to me right now. How would you like it if you spent a great deal of time, money, and effort to comply with the rules set forth by this agency, and even worked with your local warden to ensure that you are recreating legally then have that method of recreation taken away from you on a basis of false and misleading information put forth by a small group of private interests. I strongly encourage the Fish, Wildlife and Parks Commission to reject this rulemaking, and send a message to every landowner in this state that Montana's public lands and waterways are open to the public and do support multiple use. Thank you.

Mitch Miller: Hi, my name is Mitch Miller. I'm a resident of the Shields Valley I have a business, a guest ranch up in Clyde Park on the banks of the Shields River. It seems to me that there is pretty good public access on the Shields River. We have plenty of fishermen that use the river along our property and I myself like to jump on various bridges and do some fishing. It doesn't seem like it's

a really an access issue, especially down lower where these watercraft can actually get into the water. I am concerned a bit about you know what that will do to the quality of those other people recreating on the river, to have a watercraft coming by. It's a really small river, it's not that big. There's lots of snags. There's lots of places where it's not even advisable to float. You have to go around obstacles, downed trees, rocks, snags and such. I just think it would be a bit of a reducing the quality of one's experience in the wild there on the river. And I don't know about safety measures. I've never run across one of these crafts, but I do know that they're, they're much more prevalent farther down the river than from where you are. And it seems like there's plenty of other bigger waters, like the Yellowstone where they could go, I don't see why they need to be to access every corner. And like, once again, just trying to make the point that I don't think it's an access issue. And that is the point I'm trying to get across.

Shannon Holmes: Alright. Well, good morning. My name is Shannon Holmes. I live at 25 Shields River Road East and I want to voice my opinion on banning all motorized vehicles or watercraft on the Shields. I do live at a property that's adjacent to a county road and we do get a lot of fishermen along our property. I have three dogs, two horses, a cow, two daughters. We take our dogs to the river quite often, almost every day, throw sticks, we swim, we fish. I've experienced these small watercraft going through the shields along our property on three different occasions, and I'm not sure where the 10 mile an hour comment came from, but I can assure you that they are going way faster than 10 miles an hour when they're going through our property. The Shields has a lot of curves in it turns and bends in the river and a lot of those places is where the deeper holes are where we like to recreate and as a jet boat owner, there's no way that you can stop these boats on a dime. So when they're going in the excess of 10 to 15 to 20 miles an hour, I just see the potential for an accident occurring. The Shields this time of year has very low flows. I know these boats are made very rugged, but just the destruction of some of the gravel bars and shallower areas certainly could have an impact on the aquatic life in the stream. And I just, again, as a jet boat owner, I feel like there is larger waterways in Montana that provide plenty of recreation for that type of user. The Shields does not fit that bill, in my opinion, and I thank you for or the opportunity to comment.

Jeff Welch: My name is Jeff Welch I am one of the original petitioners that brought this to your attention. I live near the confluence, maybe about a mile or two up river from the confluence of the Shields and the Yellowstone. So we've seen this traffic over the last few years and I represent about 50 different landowners that signed on to the letter of the original petition in support of this ban and we appreciate the department drafting the rule. We are in full support of the rule as written and as stated in our original letter and as echoed by some of the other commenters here. We see this as a safety issue. You know, we all have, use the river in the summer frequently, even when it's low. It's been surprising to see Jet boat traffic on such a small river that the CFS today is 70. I mean, that's more like a creek. And when you have children in the river, you have dogs, livestock, irrigation equipment and like what the other comments or said there is, we have an intake right in right in the middle of the river. It's not on the side, the intake is in the water in the hole and when the waters low that intake is mere inches below the surface, so there's number of issues. I think why this kind of use is inappropriate and we completely all 50 of us who signed on to the letter originally, support this ban.



Sally Epps: My name is Sally Epps I live at 25 Shields River Road East and my husband has already commented, but I also want to comment. And say that I also support the ban of motorized boats on the Shield's River. It is much too small of a river to accommodate that safely as he mentioned, Shannon Holmes mentioned, we are frequently in the river, our dogs are in the river and there's lots of public access. So I am a full supporter of public access when it's appropriate. We have people parking at an access bridge near our property almost daily so there's lots of people getting on the river, but they are wading and fishing and I feel like these motorized vehicles would be dangerous to them as well, disturb the fishing, disturb the experience and disturb the river at certain flows. So I'm also one of the original petitioners with Jeff Welch And I just would like to state my support for the ban. Thank you for your time.

Dan Vermillion: Hello, this is Dan Vermillion I live at 44 Adair Creek Road and I'm commenting today in support of this petition. I also own a jet boat but spend a lot of time on the Shields with my family, my kids, and I think it's not a news flash to anyone that this river this year in particular has been very, very crowded and it seems like the use goes up every single year. And, you know, there are, I would take issue with the idea that this is an access issue, this is a use issue and it is completely when the purview of Fish, Wildlife Parks to create regulations that are going to protect public safety. And this is one of those instances. There's far too much use far too little water to keep this, to operate jet boats on this small river safely. Again, Dan Vermillion 44 Adair Creek Road, Livingston.

David Mackinder: Well, good morning. My name is David Mackinder and I live at 22 Horse Thief Trail, which is about three miles from the confluence with the Yellowstone River. My wife and I are residents of the Shields Valley and our home is on the banks of the Shields River. We relocated here for the quiet and serenity. I would hope that it continues in the future. I fear that once the door is open for motorized access, it will be difficult to close. I fear our enjoyment will be reduced and the quality of the waterway and fishery will be reduced. We support this ban. Thank you.

Patricia Mackinder: This is Patricia Mackinder speaking. And I just have a few comments regarding the Shields River. First of all, I support banning motorized vehicles on the river. And the other thing I sent a comment in too that, it was brought up earlier that maybe during high water that the vehicles motorized vehicles could be used when in fact I think that's too dangerous. Because when the river dropped a couple of years ago we had huge chunks of cement and trees plus other debris that was deposited on the banks and as a matter of fact, it's still there if you want to come and see it. We're at 22 Horse Thief Trail and then my second comment and one gentleman that said you know the ranchers fenced off so that cattle and everything could not get in the river. Well, in fact, that's wrong. That has in some cases it might have happened, but not at all. So once again, Patricia Mackinder and I fully support the amendment. Thank you.

End of Comments.